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January 21, 2022

Via ECF

Honorable Cathy L. Waldor, U.S.M.J.
United States District Court for the District of New Jersey
Martin Luther King Building & U.S. Courthouse
50 Walnut Street
Newark, New Jersey 07101

Re: BRG Harrison Lofts Urban Renewal LLC v. General Electric Company, et al.
and Evanston Insurance Company v. Accredited Environmental
Technologies, Inc., et al.,
Consolidated Action No. 2:16-cv-06577 (SRC-CLW)

Dear Judge Waldor:

We represent Plaintiff BRG Harrison Lofts Urban Renewal LLC in this consolidated matter. We write on behalf of the parties in the BRG action in response to the Court's request for a written status report letter (Dkt. 246).

As reported at our last status conference, the deposition of BRG's 30(b)(6) witness took place last summer on all noticed issues except for BRG's damages. After that deposition, BRG and EWMA discussed potential mediation, to occur after the deposition of a BRG representative on damages in order to minimize the parties' litigation costs. EWMA requested additional documentation of BRG's damages and BRG produced additional damages documentation in October and November, (exclusive of presumptively privileged documents). The parties are still continuing to work collaboratively on the damages discovery issue.

While the parties have agreed to engage Judge Cavanaugh as a mediator, mediation has not yet been scheduled. As a result, a new discovery schedule is necessary. If acceptable to Your Honor, the parties propose to meet and confer regarding a discovery schedule, including dates for BRG's damages deposition, potential mediation and EWMA and AET 30(b)(6) depositions, and propose a revised scheduling order to Your Honor no later than Monday, January 31, 2022.

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BRG has not been provided with an update concerning the coverage portion of this consolidated action since the last Court conference. Based upon that conference we thought that case was close to either a settlement or dispositive motions. BRG suggests that counsel in the coverage action advise if they are willing to engage in mediation of those claims and that a discovery schedule be established for the coverage action consistent with the discovery schedule in the BRG action. A resolution of the coverage issues will help facilitate settlement discussions.

We appreciate the Court's attention to this matter.

Respectfully,

Dennis M. Toft

DENNIS M. TOFT
Member

DMT:da

Cc: All Counsel – *via ECF*